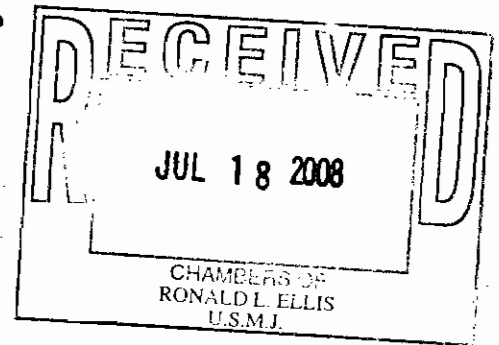


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July 16, 2008



Hon. Ronald L. Ellis
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1970
New York, New York 10007

Re: National Association for Stock Car Auto Racing, Inc. v. St. Paul Surplus Lines
Docket No. : 08 CV 5057
Our File No. : 1450.1017

Honorable Magistrate Ellis:

This office represents Plaintiffs in the above-referenced matter that has been scheduled for a conference on July 24, 2008 at 10:00 a.m.

This action involves an insurance coverage dispute related to an underlying personal injury claim pending in the Northern District of New York, Michael Petropol v. NASCAR, et al. The underlying personal injury case has now been settled. We are simply waiting for all settlement papers to be circulated so that the underlying case can be closed. In addition, it appears that the issue of attorneys' fees in the matter pending before you has also been resolved. Thus, we are requesting a 30 day adjournment of the conference in contemplation of discontinuing the action upon receipt of final settlement documents in the underlying Petropol action.

Pursuant to Rule 1(E) of your individual practices, we advise the following:

- (1) The original date of the conference is July 24, 2008.
- (2) There have been no previous requests for adjournment.
- (3) Not applicable, there have been no previous requests for adjournment.
- (4) We have not received an Answer from the Defendants because the underlying case settled before an Answer was due. However, Judith Treger Shelton of Kenney Shelton Liptak Nowak LLP is the attorney who would have appeared on behalf of the Defendants if the Petropol case had not settled. She joins in the request for the adjournment because she will be on vacation until July 25, 2008.

Hon. Ronald L. Ellis
United States Magistrate Judge

July 16, 2008
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If you have any questions or wish to discuss this matter further, please do not hesitate to contact the undersigned.

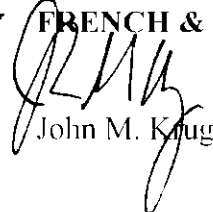
Conference adjourned
to 8/28/08 at 10am.

Respectfully,

FRENCH & RAFTER, LLP

SO ORDERED

Ronald Ellis 7-21-08


John M. Krug

MAGISTRATE JUDGE RONALD L. ELLIS

cc: Via facsimile 716.853.0265
Kenney Shelton Liptak Nowak LLP
14 Lafayette Square
Rand Building Suite 510
Buffalo, New York 14203